

# 2011-UNAT-141, Frohler

## UNAT Held or UNDT Pronouncements

UNAT held that UNDT did not err in law or in fact in its assessment that the issue before it was the amount of compensation. UNAT held that UNDT's approach in considering the Appellant's prospects of success was entirely reasonable in the particular circumstances of the case. UNAT held that it was not the function of UNDT or UNAT to take on the substantive role with which the interview panel was charged and to find that the Appellant was the only qualified candidate. UNAT recalled that the jurisdiction vested in UNDT is to review alleged procedural deficiencies and to rectify any which are found. UNAT found no error in the approach adopted by UNDT in its determination on the issue of compensation. UNAT held that the Appellant did not establish any grounds meriting a reversal of the UNDT's findings. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to select him. The Secretary-General acknowledged that a flawed selection procedure had occurred and awarded him six months' net base salary. UNDT, limiting itself to the issue of adequacy of compensation, found that the compensation was adequate and dismissed the application.

## Legal Principle(s)

The burden of satisfying UNAT that a judgment of UNDT is defective rests with the appellant. The jurisdiction vested in UNDT is to review alleged procedural deficiencies and, if they are established, to apply the statutory remedy it deems appropriate to rectify such deficiency in all the circumstances.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Frohler

Entity

UNCTAD

Case Number(s)

2010-136

Tribunal

UNAT

Registry

New York

Date of Judgement

8 Jul 2011

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Loss of chance

Staff selection (non-selection/non-promotion)

Selection decision

Applicable Law

UNDT Statute

- Article 10.5(b)

Related Judgments and Orders

2010-UNAT-052